

H.837

Introduced by Representatives Bissonnette of Winooski, Brennan of  
Colchester, Corcoran of Bennington, and Potter of Clarendon

Referred to Committee on

Date:

Subject: Motor vehicles; salvage certificates of title; abandoned motor vehicles

Statement of purpose of bill as introduced: This bill proposes to authorize the  
issuance of a salvage motor vehicle title under prescribed circumstances when  
the original title or proof of ownership cannot be furnished to the Department  
of Motor Vehicles, and to expand eligibility to apply for an abandoned motor  
vehicle certification.

An act relating to salvage motor vehicle titles and abandoned motor  
vehicles

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 2001 is amended to read:

§ 2001. DEFINITIONS

Except when the context otherwise requires, as used in this chapter:

\* \* \*

\* \* \*

\* \* \*

SALVAGE CERTIFICATES OF TITLE; FORWARDING OF  
PLATES AND TITLES OF CRUSHED VEHICLES

VT LEG #312821 v.1

1     acquired as salvage; is scrapped, dismantled, or destroyed; or is declared a  
2     total loss.

3         (b) ~~The~~ Except as provided in subsection (c) of this section, the  
4     application shall be accompanied by:

5             (1) any certificate of title; and

6             (2) any other information or documents that the Commissioner may  
7     reasonably require to establish ownership of the vehicle and the existence or  
8     nonexistence of any security interest in the vehicle.

9         (c)(1) An insurer required to obtain a salvage certificate of title under this  
10     section for a vehicle declared a total loss, or a representative of the insurer,  
11     may obtain the title without satisfying the requirements of subsection (b) of  
12     this section if the application for the salvage certificate of title is accompanied  
13     by:

14             (A) the required fee;

15             (B) evidence that the insurer has made payment for the total loss of  
16     the vehicle; and

17             (C) a copy of the insurer's written request for the certificate of title  
18     sent at least 30 days prior to the application to the vehicle owner, to any  
19     lienholder known to the insurer, and to any lienholder identified in the records  
20     of certificates of title of the Department, and proof that the request was sent by

1 certified mail or was delivered by a courier service that provides proof of  
2 delivery.

3 (2) If the Commissioner issues a salvage certificate of title to an eligible  
4 person under this subsection, the title shall be issued free and clear of all liens.

5 ~~(b)~~(d) When a vehicle is destroyed by crushing for scrap, the person  
6 causing the destruction shall immediately mail or deliver to the Commissioner  
7 the certificate of title, if any, endorsed "crushed" and signed by the person,  
8 accompanied by the original plate showing the original vehicle identification  
9 number; such a person does not need to obtain a salvage certificate of title if  
10 the person crushes the vehicle less than 15 days after purchasing or acquiring  
11 it. The plate shall not be removed until such time as the vehicle is crushed.

12 ~~(e)~~(e) This section shall not apply to, and salvage certificates of title shall  
13 not be required for, unrecovered stolen vehicles or vehicles stolen and  
14 recovered in an undamaged condition, provided that the original vehicle  
15 identification number plate has not been removed, altered, or destroyed and the  
16 number thereon is identical with that on the original title certificate.

17 Sec. 3. 23 V.S.A. chapter 21, subchapter 7 is amended to read:

18 Subchapter 7. Abandoned Motor Vehicles

19 § 2151. ~~ABANDONED MOTOR VEHICLES; DEFINED~~ DEFINITIONS

20 ~~(a)(1) For the purposes of~~ As used in this subchapter, an "abandoned motor  
21 ~~vehicle"~~ means:

1           (1)(A) “Abandoned motor vehicle” means:

2                   (i) a motor vehicle that has remained on public or private property  
3 or on or along a highway for more than 48 hours without the consent of the  
4 owner or person in control of the property ~~for more than 48 hours~~ or without  
5 being reclaimed, and has a valid registration plate or public vehicle  
6 identification number which has not been removed, destroyed, or altered; or

7                   ~~(B)~~(ii) a motor vehicle that has remained on public or private  
8 property or on or along a highway without the consent of the owner or person  
9 in control of the property for any period of time if the vehicle does not have a  
10 valid registration plate or the public vehicle identification number has been  
11 removed, destroyed, or altered.

12           (B) “Abandoned motor vehicle” does not include a vehicle or other  
13 equipment used or to be used in construction or in the operation or  
14 maintenance of highways or public utility facilities, which is left in a manner  
15 which does not interfere with the normal movement of traffic.

16           (2) “Landowner” means a person who owns or leases or otherwise has  
17 authority to control use of real property.

18           (3) ~~For purposes of this subsection, “public~~ “Public vehicle  
19 identification number” means the public vehicle identification number which is  
20 usually visible through the windshield and attached to the driver’s side of the

1 dashboard, instrument panel, or windshield pillar post or on the doorjamb on  
2 the driver's side of the vehicle.

3 ~~(b) Construction equipment. A vehicle or other equipment used or to be~~  
4 ~~used in construction or in the operation or maintenance of highways or public~~  
5 ~~utility facilities, which is left in a manner which does not interfere with the~~  
6 ~~normal movement of traffic, shall not be considered to be an abandoned motor~~  
7 ~~vehicle.~~

8 § 2152. AUTHORIZED REMOVAL OF ABANDONED MOTOR  
9 VEHICLES

10 (a) Public property. A law enforcement officer is authorized to remove or  
11 cause removal of an abandoned motor vehicle from public property, and may  
12 contact a towing service for its removal ~~of such motor vehicle~~, based upon  
13 personal observation by the officer that the vehicle is an abandoned motor  
14 vehicle.

15 (b) Private property.

16 (1) A law enforcement officer is authorized to remove or cause removal  
17 of an abandoned motor vehicle from private property, and may contact a  
18 towing service for its removal ~~from private property of such vehicle~~, based  
19 ~~upon complaint of the owner or agent of the property~~ the request of the  
20 landowner on which whose property the vehicle is located ~~that the~~ and  
21 information indicating that the vehicle is an abandoned motor vehicle.

1           (2) ~~An owner or agent of an owner~~ A landowner of private property on  
2           which an abandoned motor vehicle is located is authorized to remove or cause  
3           removal of an abandoned motor vehicle from that property, ~~and may~~ and  
4           contact a towing service for its removal ~~from that property of an abandoned~~  
5           ~~vehicle,~~ or to move the vehicle from the place where it is discovered to any  
6           other place on any property owned by him or her. ~~If an owner or agent of an~~  
7           ~~owner removes or causes removal of an~~ A landowner on whose property an  
8           abandoned motor vehicle, ~~the owner or agent is located~~ shall immediately  
9           notify the police agency in the jurisdiction ~~from which the vehicle is removed.~~  
10          ~~Notification shall include identification~~ where the property is located of the  
11          registration plate number, and the public vehicle identification number, if  
12          available, and the make, model, and color of the vehicle. The ~~owner or agent~~  
13          ~~of an owner of property upon which a motor vehicle is abandoned~~ landowner  
14          may ~~remove~~ move the vehicle from the place where it is discovered to any  
15          other place on any property owned by him or her, or cause the vehicle to be  
16          removed by a towing service under the provisions of this subsection, without  
17          incurring any civil liability to the owner of the abandoned vehicle.

18          § 2153. ABANDONED MOTOR VEHICLE CERTIFICATION

19          (a) ~~Within 30 days of removal of the vehicle, a towing service which has~~  
20          ~~removed an abandoned motor vehicle~~ A landowner on whose property an  
21          abandoned motor vehicle is located shall apply to the Department for an

1 abandoned motor vehicle certification on forms supplied by the Department of  
2 Motor Vehicles within 30 days of the date the vehicle was discovered on or  
3 brought to the property unless the vehicle has been removed from the property.

4 An abandoned motor vehicle certification form shall indicate the date of  
5 ~~removal~~, that the abandoned motor vehicle was discovered or brought to the  
6 property; the make, color, model, and location found, and of the vehicle; the  
7 name, address, and phone number of the towing service, landowner; and a  
8 certification of the public vehicle identification number, if any, to be recorded  
9 by a law enforcement officer.

10 (b) Upon receipt of an abandoned motor vehicle certification form, the  
11 Commissioner of Motor Vehicles shall attempt to identify and notify the owner  
12 of the vehicle as required by section 2154 of this title. If no owner can be  
13 determined by the Commissioner within the time period allowed by section  
14 2154 of this title, the Commissioner shall issue a certificate of abandoned  
15 motor vehicle with appropriate title or salvage title, or both, and the vehicle  
16 may be disposed of in the manner set forth in section 2156 of this title.

17 § 2154. IDENTIFICATION AND RECLAMATION OF ABANDONED  
18 MOTOR VEHICLES

19 (a) The Department of Motor Vehicles shall make a reasonable attempt to  
20 locate an owner of an abandoned motor vehicle.



1           (1) If the abandoned motor vehicle is not identifiable by its registration  
2           plates or public vehicle identification number, and if no owner can be  
3           determined within 21 days of the date of receipt of the abandoned motor  
4           vehicle certification form, the Commissioner of Motor Vehicles shall issue a  
5           certificate of abandoned motor vehicle with an appropriate title or salvage title.

6           (2) If the abandoned motor vehicle is identifiable by its registration  
7           plates or public vehicle identification number, the Department of Motor  
8           Vehicles shall, within three business days of receipt of the form for  
9           certification of abandoned motor vehicle, send notice to the last known  
10          registered owner and lienholder of the vehicle. The notice shall be sent by  
11          certified mail, return receipt requested, and shall advise the last known  
12          registered owner of the motor vehicle's location and a telephone number where  
13          additional information about the motor vehicle may be obtained. If the receipt  
14          is not returned to the Department within seven business days, the  
15          Commissioner shall, by first class mail, send a second notice. Within 21 days  
16          of sending the second notice, the last known registered owner or lienholder  
17          may reclaim and retrieve the motor vehicle by presenting to the Department of  
18          Motor Vehicles satisfactory evidence of ownership, and paying or arranging to  
19          pay any fees or charges authorized by section 2155 of this title. If the last  
20          known registered owner or lienholder fails or refuses to reclaim the motor  
21          vehicle within 21 days of the second mailing, the Commissioner of Motor

1 Vehicles shall issue a certificate of abandoned motor vehicle with appropriate  
2 title or salvage title.

3 (b) An owner or lienholder may reclaim an abandoned motor vehicle by  
4 presenting to the Department of Motor Vehicles satisfactory evidence of  
5 ownership, and paying or reimbursing, or making arrangements to pay or  
6 reimburse, the towing agency, the Department of Motor Vehicles, or the ~~owner~~  
7 ~~or agent of private property~~ landowner, as the case may be, any towing fee or  
8 storage charges permitted under section 2155 of this title.

9 § 2155. FEES AND CHARGES

10 (a) Towing fees. For towing an abandoned motor vehicle from private  
11 property, a towing service may charge a reasonable fee to be paid by the  
12 vehicle owner or ~~agent of the owner~~ landowner of the private property.

13 (b) Storage charges. In addition to any towing fee, an owner or lienholder  
14 reclaiming an abandoned motor vehicle may be charged and shall pay a fee for  
15 the costs of storage of the vehicle, except that no fee may be charged for  
16 storage for any period preceding the date upon which the form for abandoned  
17 motor vehicle certification is sent by the ~~towing service~~ landowner to the  
18 Department of Motor Vehicles.

19 \* \* \*

20 Sec. 4. EFFECTIVE DATE

21 This act shall take effect on July 1, 2016.